

# BOARD OF BAR OVERSEERS

*of the Supreme Judicial Court*  
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## MEMORANDUM

OCTOBER 19, 2018

**RE:** Supreme Judicial Court No. BD-2018-046  
In re: Matthew J. Bresette – B.B.O. NO. 651276

**FROM:** Joseph Berman  
Board General Counsel

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Enclosed please find a copy of the **Order of Indefinite Suspension and Summary** in re: **Matthew J. Bresette** whose registration address according to his/her latest records with the Board of Bar Overseers is given below.

Please be advised that this material is being circulated as a news item. The Board is not requesting the printing of a legal notice.

ADDRESS: 90 Pine Lane  
Barnstable, MA 02630

CW  
10/18/18

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT  
FOR SUFFOLK COUNTY  
NO: BD-2018-046

IN RE: Matthew J. Bresette

ORDER OF TERM SUSPENSION

This matter came before the Court, Lowy, J., on an Information and Record of Proceedings pursuant to S.J.C Rule 4:01, § 8(6), with the Recommendation and the Vote of the Board of Bar Overseers (Board) and the stipulation of the parties filed by the Board on October 3, 2018. Upon consideration thereof, it is ORDERED that:

Matthew J. Bresette is hereby suspended from the practice of law in the Commonwealth of Massachusetts for an indefinite period retroactive to June 15, 2018, the date of his temporary suspension.

By the Court, (Lowy, J.)

  
Maura S. Doyle, Clerk

Entered: October 15, 2018

RECEIVED  
10/16/2018 12:05 PM  
MAURA S. DOYLE, CLERK  
SUPREME JUDICIAL COURT  
THE COUNTY OF SUFFOLK

**IN RE: MATTHEW J. BRESETTE**

**NO. BD-2018-046**

**S.J.C. Order of Term Suspension entered by Justice Lowy on October 15, 2018.<sup>1</sup>**

*The respondent stipulated to an indefinite suspension based on his intentional misuse of trust funds that he oversaw as trustee, in violation of Mass. R. Prof. C. 8.4(c) and (h). His former law firm made restitution to the clients and the respondent has reimbursed the firm.*

**SUMMARY<sup>2</sup>**

The respondent was admitted to the Bar of the Commonwealth on January 22, 2002 and was temporarily suspended from the practice of law on June 15, 2018. The matter came before the Court on a stipulated recommendation of an indefinite suspension based on the following facts.

The respondent was a partner in the trusts and estates department of a law firm until his resignation in April 2018. In that capacity, the respondent was trustee of numerous private trusts, from all of which he has since resigned.

Commencing in or before 2013, the respondent intentionally misappropriated funds from trust clients and the firm by a) directing payments from a trust account for which he served as trustee for his own personal expenses; b) charging personal expenses to his corporate credit card that were then coded to client matters and billed to the client; c) submitting false cash reimbursement requests that were paid to him by the firm and that were then charged to a client account and billed to the client or remained unbilled (and thus paid by the firm); and d) charging personal expenses to his corporate credit card and coding the charges to clients or his own estate planning account, but not billing the clients for the charges. The respondent's conduct in these respects violated Mass. R. Prof. C. 8.4(c) and (h).

When the respondent's misconduct was discovered, he resigned from the firm, ceased practicing law, and reported his misconduct to bar counsel. The amount misused and still owed to trust clients and the firm at that point was approximately \$96,000. The firm reimbursed the clients. In mitigation, the respondent has since made restitution to the firm of the amounts owed to both the firm and the clients.

The matter came before the Board of Bar Overseers on a stipulation of facts and joint recommendation of the respondent and bar counsel for an indefinite suspension retroactive to June 15, 2018, the date of the temporary suspension. On September 17, 2018, the Board voted to accept the stipulation and to recommend the agreed-upon disposition to the Supreme Judicial Court. The Court so ordered on October 15, 2018.

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<sup>1</sup> The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.